



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 31, 2008

Economic Development Foundation of Rhode Island  
Scott A. Gibbs, President and  
Highland Hills, LLC  
Colin P. Kane  
1300 Highland Corporate Drive, Suite 202  
Cumberland, RI 02864

**Insignificant Alteration – Permit**

Re: Application No. 08-0351 in reference to the property and proposed project located:

Approximately 300 feet east of Highland Corporate Drive and approximately 3000 feet northeast of its intersection with Mendon Road (Route 122), Assessor's Plat 52, Lot 360 and Assessor's Plat 51, Lot 11, Cumberland, RI

Dear Mr. Gibbs and Mr. Kane:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed three-story office building with parking, access drive, drainage, retaining walls, utilities, landscaping and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received on December 16, 2008.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.00 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No. 08-0351:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the Department on December 16, 2008. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project, which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.

5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM or City/Town representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Cumberland and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue unless renewed pursuant to the Rules.
8. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. **Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.**
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence or any other materials that do not degrade overtime must be removed.
12. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
14. Artificial lighting authorized by this permit must be directed away from all vegetated wetland areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
15. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

16. Since a portion of drainage is to be directed into the existing basin, you must provide written certification from a registered land surveyor or registered professional engineer that Existing Detention Basin 2 has been properly maintained and remains sufficient to provide the acceptable level of water quality mitigation in accordance with the standards of the Rhode Island Stormwater Design and Installation Standards Manuel (RISDISM). If necessary, the appropriate party must complete any maintenance required.
17. As indicated by the designer, the four (4) notes located in the detail entitled "Retaining wall-South Detention/Infiltration System Cross Section" on Sheet 15 of 27 are all applicable to both retaining walls around the parking perimeter. This includes the wall adjacent to the South Subsurface Infiltration/Detention and the wall adjacent to the North Infiltration/Detention System.
18. This permit supersedes a previous permit issued by the DEM for the subject property under Application No. 03-0337.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with Rule 8.03.

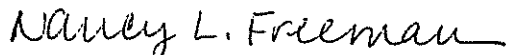
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact me (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,



Nancy L. Freeman, Senior Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/nlf

Enclosure:      Approved site plans

xc: Steven M. Cabral, PE, Crossman Engineering, Inc.  
Raymond Madden, Cumberland Building/Zoning Official  
Eugene Jeffers, Cumberland Public Works Director  
John J. Aubin III, Director, Town of Cumberland Dept. of Planning & Community Development  
Robert Smith, P.E., RIDOT Acting Deputy Chief Engineer